

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SMARTMATIC USA CORPORATION,	:
SMARTMATIC INTERNATIONAL CORPORATION	:
and SMARTMATIC SERVICES CORPORATION,	:
	:
Plaintiffs,	:
	:
– against –	:
	:
DOMINION VOTING SYSTEMS CORPORATION	:
and DOMINION VOTING SYSTEMS, INC.,	:
	:
Defendants.	:
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No. 13-CV-05349 (KBF)

**DECLARATION OF IRA S. GREENE IN SUPPORT OF  
PLAINTIFFS’ MOTION TO REMAND AND FOR ABSTENTION**

I, IRA S. GREENE, hereby declare and state as follows:

1. I am a partner in Hogan Lovells US LLP, counsel for Plaintiffs Smartmatic USA Corporation, Smartmatic International Corporation and Smartmatic Services Corporation (collectively, “Plaintiffs”). I am a member in good standing of the bar of this Court.

2. I submit this Declaration in support of the Memorandum of Law in Support of Plaintiffs’ Motion to Remand and for Abstention (the “Motion”). This Declaration is intended to place before the Court copies of documents cited in the Motion, as well as related factual information..

3. Attached hereto as Exhibit A is a true and correct copy of the Complaint filed on June 28, 2013 in the Supreme Court of New York, New York County in this action (Smartmatic USA Corporation, Smartmatic International Corporation, and Smartmatic Services Corporation v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc., Index No. 652308/2013). Plaintiffs served the Summons and Complaint in this case on Defendants

Dominion Voting Systems Corporation's and Dominion Voting Systems, Inc.'s (collectively, "Defendants") authorized New York agents for service of process on July 1, 2013.

4. Attached hereto as Exhibit B is a true and correct copy of the Notice of Removal (Docket Entry No. 1) filed by Defendants on July 31, 2013 in this action.

5. Attached hereto as Exhibit C is a true and correct copy of the Memorandum of Law in Support of Motion by Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. to Dismiss the Complaint, or, in the Alternative, to Stay this Action (Docket Entry No. 11) (the "Motion to Dismiss") filed by Defendants on August 16, 2013 in this action.

6. Attached hereto as Exhibit D is a true and correct copy of the Order on Motion to Convert and Motion for Authority and Standing, or in the Alternative, for Appointment of Trustee entered by the United States Bankruptcy Court for the District of Colorado (the "Colorado Court") on October 17, 2012 in In re SVS Holdings, Inc., Case No. 10-24238 HRT (the "SVS Bankruptcy Case"), Docket No. 118.

7. Attached hereto as Exhibit E is a true and correct copy of the Notice of Appointment of Interim Trustee filed on October 17, 2012 in the SVS Bankruptcy Case, Docket No. 120.

8. Attached hereto as Exhibit F is a true and correct copy of the Complaint filed in the Colorado Court on December 7, 2012 in Tom H. Connolly, Chapter 7 Trustee v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc., Adv. Proc. No. 12-01757-HRT (the "Colorado Action"), Docket No. 1.

9. Attached hereto as Exhibit G is a true and correct copy of the Motion by Dominion Voting Systems Corporation and Dominion Voting Systems, Inc., to Dismiss the Complaint (without accompanying exhibits) filed on June 9, 2013 in the Colorado Action,

Docket No. 28. Oral argument on this Motion is scheduled in the Colorado Court on September 26, 2013.


10. Attached hereto as Exhibit H is a true and correct copy of the Trial Preparation Conference Order entered by entered by the United States District Court for the District of Colorado on June 20, 2013 in Tom H. Connolly, Chapter 7 Trustee v. Dominion Voting Systems Corporation and Dominion Voting Systems, Inc. (In re SVS Holdings, Inc.), Civil Action No. 13-cv-00169-REB, Docket No. 15, setting the Colorado Action for a 10-day jury trial to commence August 4, 2014.

11. Attached hereto as Exhibit I is a true and correct copy of a table entitled “Age of State Court Cases at Disposition” prepared by the New York State Office of Court Administration, available at <http://www.nylj.com/nylawyer/adgifs/decisions/041012chart3.pdf> (last visited August 29, 2013).

I declare under penalty of perjury that the foregoing is true and correct.

*[Signature Page Follows]*

Dated: New York, New York  
August 29, 2013



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Ira S. Greene